

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLIFTON DODD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-14-0835-F
)	
LT. STRAUB,)	
)	
Defendant.)	

ORDER

The Report and Recommendation of Magistrate Judge Gary M. Purcell, doc. no. 11, recommends dismissal of this action without prejudice due to plaintiff's failure to pay the required initial partial filing fee or to show cause for non-payment. Plaintiff objects to the Report, contending that he has the money necessary to make the initial payment in his prison account and that "has been waiting for the court to take said funds to get his action under way." Doc. no. 12, p. 1.

The Magistrate Judge's Order at doc. no. 8, which granted plaintiff *in forma pauperis* status but required him to pay the full filing fee in an initial payment and in subsequent payments, ordered plaintiff to pay the initial partial filing fee of \$7.58, representing 20 percent of the average monthly deposits in plaintiff's prison accounts for the six-month period immediately preceding the filing of the complaint (or to show cause in writing for his failure to pay). That order made clear that it was only *after* plaintiff paid the initial partial filing fee that an order would be entered directing the custodial agency to collect and forward subsequent monthly payments to the clerk until the filing fee is paid in full. Doc. no. 8, p. 2.

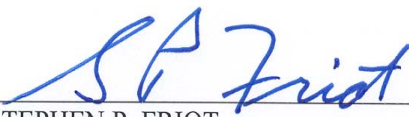
Plaintiff appears *pro se* and his pleadings are liberally construed. His objection suggests he may have misunderstood his obligation to pay the initial partial filing fee

as required by the magistrate judge. Accordingly, his objection is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's objection is **GRANTED** to the limited extent that his deadline for payment of the initial filing fee of \$7.58 is hereby **EXTENDED** to twenty-one days from the date of this order. In all other respects, plaintiff's objections are **DENIED**, and the Report is **ADOPTED, ACCEPTED** and **AFFIRMED**.

The court clerk is **DIRECTED** to mail plaintiff two copies of this order and of the magistrate's orders at doc. nos. 8 and 10. Plaintiff may show these orders to custodial officials to facilitate payment of the initial portion of the amount due.

Absent payment by plaintiff of the initial partial filing fee by the date required by this order, this action will be dismissed without prejudice without need of further explanation from the court. If plaintiff pays the initial partial filing fee by the extended deadline, this action will be referred back to the magistrate judge for further proceedings including an order from the magistrate judge directing the custodial agency to collect and forward monthly payments to the court until the filing fee is paid in full.

Dated this 3rd day of November, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE